

RFP 17-2012-02
ADR Coordinator /Mediator

Questions and Answers

1. At the present time, what calendars are being serviced by the ADR coordinator? (Civil Harassment, Domestic Violence, Short cause?) and how many hours (on average) are being billed per week. **Currently the following calendars are being serviced by the ADR coordinator: Civil Harassment, DV without children, Short Cause and Family Law Settlement. The average amount of hours billed per week is 20 hours.**

2. How many civil mediation referrals were made to panel mediators in 2012? in 2011? **I have posted data from the civil mediation program grant final reports for FY09, FY10 and FY11 on the website in a document titled "Civil Mediation Program Data FY09-FY11."**

3. The Lake Co. Rules of Court state that parties are entitled to 2 hours of mediation without charge when using a "court-connected mediator".

a) The term "court-connected mediator" is not defined. Does this mean any panel mediator? or only mediations provided directly by the Proposer (i. e. in the court-room)? **The term court-connected mediator includes the court's ADR Coordinator/Mediator and all panel mediators.**

b) It is not clear in the RFP whether or not the court will continue to provide \$200 to panel mediators (either directly or through the Proposer) for the first 2 hours of mediation. **Currently, the panel mediators invoice the court for the first two hours of mediation in the amount of \$250. The invoice is approved by the ADR Coordinator and then paid by the court. The court will continue to pay the mediators directly.**

4. Page 15 1.i. says: "The court required the proposer to set up a process to sustain *the program*. A **reimbursement process** should be designed, whereby the court will receive payment by the parties involved for the court mediator's time that goes over the first two hours."

a) Program is not defined. Does "the program" mean the civil mediation panel referral program? **The "program" refers to the Civil Mediation Program which includes but is not limited to ADR Coordination, court mediator, the panel mediations, and the recruiting and training of new mediators.**

b) If the court is not paying the panel mediators (or Proposed) what exactly would be reimbursed to the court? **Panel mediation fees would not be paid to the court. The fees for mediations over two hours are paid directly by the parties to the panel mediators. The court wouldn't be entitled to additional reimbursement for panel mediations. Reimbursement to the court would occur when ADR Coordinator conducts mediations over two hours.**

c) If the parties sign a contract with the mediator to pay the mediator for any time after 2 hours, why would the court be entitled to anything in reimbursement?

Reimbursement to the court would occur when ADR Coordinator conducts mediations over two hours.

5. The RFP does not say that the Rules of Court MUST REMAIN THE SAME but does imply that the court would expect them to remain the same. Can you confirm that the later assumption is correct? **No. The court is not consistently applying the local rule. The court is open to new ideas, including changes to the local rules.**

6. Page 14 lists the services to be provided by the Proposer. #4 states that the service provided is to “refer mediations to qualified mediators on the court mediator panel”. It does not list any other duties in regard to the mediation referrals, other than referring the mediations out. **As you have noted in #7 below, the service of referring mediations to panel mediators is expanded to include keeping statistical data.**

7. Page 15 1.ii. included deliverables by the Proposer that are not listed as services provided on page 14.

For example. “Services provided” lists referral of mediations to court-panel mediators

“Deliverables” adds on statistical data regarding

a) mediations opened and in progress (panel mediations only? or in-court AND panel mediation referrals combined?) **The data is to include ADR Coordinator’s mediations and panel mediations.**

b) time expended on each case (does this refer to actual mediation time or administrative time setting up the mediation? **This time refers to all time spent on the case for the ADR Coordinator. The panel mediators only include actual mediation time.**

c) numbers of agreements or partial agreements reached at mediations (again panel mediations only? or in-court AND panel mediation referrals combined?) **The data is to include ADR Coordinator’s mediations and panel mediations.**

d) copies of invoices given to parties? by whom? the mediators??? **Any copies of invoices given to parties would be from the ADR Coordinator/Mediator.**

e) would the ADR 107 and ADR 100 forms be used for all mediations? (in-court AND panel mediation referrals? or just panel mediations?) **The ADR107and ADR100 forms are used by panel mediators.**

8. It is unclear if the RFP anticipates that the Proposer would bill all parties for time over 2 hours in panel mediations, or if the mediators themselves would be billing the parties directly (which is the historical reality). **The panel mediators would bill the parties directly as they have in the past. When Proposer conducts mediation instead of panel mediator, the Proposer would bill all parties for time over two hours.**

9. Page 16 #5 – Work is not defined. Does it mean services and deliverables? **Yes.**

10. The RFP does not indicate if the Proposer would have the use of any facilities at the court-house to store records, facilitate work, etc. **At this time the proposer will have use of a very small office with minimal storage. This is subject to change.**

11. Page 16 #7.d. what is the difference between “i) Date, Case number, outcome, mediation hours worked, ii) Court Calendar dates and hours worked?” and “iii) Scheduling hours worked”? is not clear. Does this mean administrative time spent on scheduling mediators for court? for panel mediations? or both? **What is meant by i. ii and iii, is that all hours billed are accounted for with case numbers, hours worked, time spent at court calendars, hours worked scheduling proposer’s or panel mediator mediations. The court also wants to track the success of the mediations with the number of mediation agreements and non-agreements.**